

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

\$53,082,824.19 IN U.S. CURRENCY,

Defendant

No: 19-cv-01930
FILED UNDER SEAL

BANCO SAN JUAN INTERNACIONAL'S MOTION FOR A SUPPRESSION HEARING

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¹ Co-counsel for BSJI, DLA Piper, was not counsel for [REDACTED] (No. 19-Misc.-163), which is sealed, and is thus not in possession of the materials from that matter referenced in this Motion. For this reason, this brief and its attachments have been prepared by undersigned counsel only.

[REDACTED] this Court should hold a suppression hearing to determine what evidence should be suppressed as a result of the government's search of Banco San Juan Internacional, Inc. (BSJI) eight months ago—[REDACTED]
[REDACTED]

[REDACTED] The Supreme Court has long "held that the Fourth Amendment's protection against unreasonable searches and seizures applies in forfeiture proceedings," *Austin v. United States*, 509 U.S. 602, 608 n.4 (1993) (citing *One 1958 Plymouth Sedan v. Pennsylvania*, 380 U.S. 693, 696 (1965), & *Boyd v. United States*, 116 U.S. 616, 634 (1886)), and more specifically "that the exclusionary rule applies to civil forfeiture," *United States v. James Daniel Good Real Prop.*, 510 U.S. 43, 49 (1993) (citing *One 1958 Plymouth Sedan*, 380 U.S. at 696).

An "evidentiary hearing on a motion to suppress ordinarily is required" when the evidence suggests that there was a warrantless search, *see, e.g., United States v. Medina*, 524 F.3d 974, 983 (9th Cir. 2008); *United States v. Pena*, 961 F.2d 333, 339 (2d Cir. 1992), [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] But the suppression issue is before the Court now, given that the government has brought an enforcement action for this civil forfeiture. [REDACTED]

[REDACTED] suppression is the appropriate remedy for the government's bad faith execution of a plainly defective warrant. [REDACTED]

[REDACTED] [REDACTED]
[REDACTED] See, e.g., *United States*

v. *Mata-Pena*, 233 F. Supp. 3d 281, 294 (D.P.R. 2017) (Delgado-Colón, J.) (holding a suppression hearing and suppressing derivative evidence from an unlawful search as fruit of the poisonous tree).²

Dated: October 9, 2019

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed on October 9, 2019 with the Clerk of Court using the CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

/s/ Guillermo-Ramos Luiña
Guillermo Ramos Luiña

² The Court should address BSJI's motions to dismiss first, as it can more efficiently dismiss the Complaint on the basis of those motions without conducting an evidentiary hearing. [REDACTED]